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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845
PREVENTION OF LEAD POISONING

SECTION

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AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act. (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1301 et. seq.)

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; old rules repealed 6 Ill. Reg. 14858, effective November 24, 1982; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982.

Section 845.10 Definitions

In addition to the definitions contained in the Lead Poisoning Prevention Act, the following definitions shall apply:

"Local Health Authority" means the health authority having jurisdiction of the town, city, county or region in which the person lives.

"Permissible limit" means blood lead concentration (PbB) of less than 30 micrograms/deciliter (mcg/dl) of whole blood in a child under age 16 and less than 70 mcg/dl for all other persons.

"Placard" means that notice on the Department's placarding form for posting upon a dwelling for the purpose of informing the public of the existence of lead hazards in or upon the dwelling.

Section 845.20 Reporting

- a) It shall be the duty of all laboratories performing blood lead analysis in Illinois to report all blood lead concentrations (PbB) in excess of the permissible limit (see Section 845.10) to the local health authority in whose jurisdiction the person resides who, in turn, shall report same to the Illinois Department of Public Health. In areas where there is no full-time local health department, the report shall be sent directly to the Illinois Department of Public Health.
- b) It shall be the duty of every physician or nurse, hospital administrator or public health officer who has knowledge of a case of suspected lead poisoning, or of a patient with a greater than permissible PbB to report in the same manner as that described above in Section 845.20(a).
- c) Forms for reporting PbB's in excess of the permissible limit will be provided by the Illinois Department of Public Health. These reports shall include the name, address, date of birth, blood lead level, date of test, date of report, physician and/or clinic with address, and the reporting agency.

Section 845.30 Removal of Lead Hazards

- a) If a lead-bearing substance, hazardous to children under age 16, is found in or upon a dwelling upon inspection, the owner shall be advised in writing of the procedures to follow in removing or permanently covering the hazard. He shall then be ordered to remove, replace or securely and permanently cover the lead-bearing substances. The Department shall order the dwelling owner and/or occupants to take immediate temporary steps to eliminate any hazard to a child under age 16 for whom continued exposure presents a clear potential for immediate and severe physical or neurological damage in the event that appropriate permanent repairs cannot be immediately achieved. These temporary measures are discussed below, followed by permanent repair procedures.

b) The following are considered temporary repair measures. The following are only temporary measures and are not to be considered as complying with the law. The following methods are only a means of temporarily eliminating the risk to the child under age 16 until permanent removal of the lead-bearing substances is completed.

- 1) All loose paint shall be scraped from the walls, ceiling, woodwork, and any other peeling surfaces, and these areas shall then be covered with contact paper, cloth, canvas, or other material that will prevent the paint chips from falling on the floor and prevent a child under age 16 from peeling the paint from the wall.
- 2) Areas which may be chewed upon by the child under age 16 shall be covered with heavy paper, cardboard, cloth or canvas.
- 3) All plaster and paint chips shall be swept up and any surfaces that have collected paint dust shall be thoroughly dusted. Since lead dust is hazardous if inhaled, proper precautions must be taken to avoid inhalation of the dust. This applies to everyone, regardless of age.
- 4) If the temporary repairs described in items 1 through 3 above will not result in protection of a child under age 16, or are not practical, the room in which the hazard is present shall be closed and locked so that it will not be accessible to children under age 16, or a child under age 16 shall be removed to a lead-free home during renovation.

c) The following are considered as permanent repairs:

- 1) All loose and peeling paint shall be removed from the walls, ceiling, and woodwork by scraping. In addition, all paint chips shall be swept up off the floor when scraping is completed. The wall shall be covered up to a height of four feet with wallboard, plywood, ceiling tile, synthetic or fibrous paneling, or a good quality vinyl wall covering. All holes or cracks in the wall must be patched and the entire surface intact and smooth before being covered with vinyl or other firmly adhering fibrous material.
- 2) Above the four foot level, the walls and the ceilings shall be scraped and then maintained in a tight condition. The areas above the four foot level may be repainted with a non-lead paint after the scraping is completed.
- 3) Woodwork below the four foot level shall be stripped to the bare wood and may then be repainted, varnished, or covered with a non-lead substance.

- 4) Woodwork above the four foot level shall be scraped to remove all peeling and flaking paint. It shall then be maintained in a tight condition.
 - 5) Other painted surfaces required to be repainted, such as toys, furniture, radiators, cribs, and any other surfaces upon which children under age 16 may chew shall be stripped to the bare wood or metal, and then may be repainted with a non-lead substance.
- d) The dwelling shall be considered in compliance with the Act only after permanent repairs have been completed.
 - e) Any method of permanent repair other than those specifically described in Section 845.30(c) above, may be submitted by the dwelling owner for the approval of the Department. No alternative method of repair will be approved which will not result in permanent and total protection of dwelling residents from exposure to lead hazards.
 - f) The Department may extend the period of time originally established in writing upon written request from the owner only if the condition is not an imminent health hazard to the occupants. Such extension shall not be granted until the dwelling has been reinspected at least 30 days after the owner has been ordered to remove or permanently and securely cover the identified lead hazards. In addition to the imminence of the health hazard, the Department shall consider the following factors in determining whether to grant an extension of time; availability of alternative housing for the affected child, evidence of a reasonable effort on the part of the owner to come into compliance with the law, the owner's willingness to enter into a written agreement specifying a time table for the completion of all required repairs, financial ability of the owner, and other factors which may be relevant in a given case.

Section 845.40 Approval of Units of Local Government or Health Departments to Administer and Enforce the Lead Poisoning Prevention Act

- a) The Department may approve units of local government or health departments to administer and enforce the Act when the conditions specified in (b), (c) and (d) below have been met. No unit of local government or health department shall be approved for this purpose except upon request, and such approval shall be rescinded in the event that any of those conditions are subsequently violated. Such rescission shall become effective 30 days after the Department serves written notice on the unit of local government or local health Department of its intention to rescind approval.

- b) No unit of local government or local health department shall be approved for this purpose which does not employ qualified professional staff who will be responsible for environmental investigations performed under the Act. In order to be deemed "qualified" personnel must meet the minimum qualifications established by the Department for the classification Associate Sanitarian in the Standards for Local Health Departments.
- c) No unit of local government or health department shall be approved for this purpose which will not enter into a written cooperative agreement with the Department agreeing to perform a comprehensive environmental investigation for each child under age 16 identified with undue lead absorption living within its jurisdiction. The investigation shall include an examination of each painted surface in the interior of the dwelling, using an X-ray fluorescence (XRF) portable lead-in-paint analyzer; an examination of each painted surface on the exterior of the dwelling which is accessible to children under age 16, using an XRF unit; and collection of such environmental samples for analysis in the laboratory as may be necessary or appropriate in each case.
- d) No unit of local government or health department shall be approved for this purpose which will not enter into a written cooperative agreement with the Department agreeing to take any and all steps necessary to enforce the Lead Poisoning Prevention Act and achieve full abatement of all identified lead hazards, including the initiation of legal action through the appropriate State's Attorney's office when reasonable efforts to achieve voluntary abatement have failed.

Section 845.50 Permissible Limits of Lead in and about Dwellings and Dwelling Units

- a) The permissible limit of lead in any lead bearing substance applied to an exterior surface of a dwelling or dwelling unit, which is accessible to children under age 16, shall be the same as that specified in Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1302(6).
- b) The permissible limit of lead in soil, which is readily accessible to children under age 16, shall be 200 micrograms of lead per gram of soil (mcg/g).
- c) The permissible limit of lead in house dust shall be 10 parts per million (ppm).
- d) The storage of any lead-containing or lead-contaminated article including automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead in an area accessible to children under age 16 shall be prohibited.

Section 845.60 Placarding of Dwellings

- a) A placard shall be posted only with the approval of the Director, or his designate, given in accordance with conditions specified in (b) below.
- b) No placard shall be posted until the owner of the dwelling has been notified of the existence of lead hazards in or upon the dwelling, and failed to remove such hazards within the time period prescribed by law.
- c) No properly posted placard shall be removed, defaced, destroyed or covered except by an authorized representative of the Department or unit of local government or health department approved to administer and enforce the Lead Poisoning Prevention Act; and only when all lead hazards have been abated.